

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FRONT RANGE EQUINE RESCUE, THE HUMANE SOCIETY OF THE UNITED STATES, MARIN HUMANE SOCIETY, HORSES FOR LIFE FOUNDATION, RETURN TO FREEDOM, RAMONA CORDOVA, KRYSTLE SMITH, CASSIE GROSS, DEBORAH TRAHAN, and BARBARA SINK,

Plaintiffs,

v.

TOM VILSACK, Secretary, U.S. Department of Agriculture; ELIZABETH A. HAGEN, Under Secretary for Food Safety, U.S. Department of Agriculture; and ALFRED A. ALMANZA, Administrator, Food Safety and Inspection Service, U.S. Department of Agriculture,

Defendants,

VALLEY MEAT COMPANY, LLC,

Defendant/Intervenor.

Case No. 1:13-cv-00639-MCA-RHS

THE STATE OF NEW MEXICO'S MOTION TO INTERVENE

Pursuant to Federal Rule of Civil Procedure 24(a) and (b), the State of New Mexico (“New Mexico”), moves this Court for permission to intervene as a plaintiff in the above-captioned matter. New Mexico should be granted leave to intervene as of right because it (1) has timely filed this motion to intervene, (2) has multiple interests in the outcome of this litigation, (3) its interests may be impaired absent intervention, and (4) its interests are not adequately

represented by the existing parties. Alternatively, the Court should grant New Mexico leave to permissively intervene because its claims share common questions of fact and law as those stated in this action. New Mexico submits a memorandum of law in support of its motion, along with a proposed complaint in intervention.

Pursuant to Local Rule 7.1, the undersigned counsel has conferred or attempted to confer with counsel for the parties regarding this motion. On July 18, 2013, counsel for Plaintiffs, Bruce A. Wagman, informed me that Plaintiffs support New Mexico's motion to intervene. On July 19, 2013, counsel for Defendants, Andrew A. Smith, informed me that Defendants take no position on New Mexico's motion to intervene. On July 19, 2013, I telephoned counsel for Defendant/Intervenor, A. Blair Dunn, spoke with an assistant, and left a message, but did not receive a return call.

WHEREFORE, for the foregoing reasons, New Mexico respectfully requests that this Court grant New Mexico's motion to intervene as a plaintiff in this action.

Dated: July 19, 2013

**GARY K. KING
NEW MEXICO ATTORNEY GENERAL**

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CERTIFICATE OF SERVICE

I certify that I filed the foregoing documents on July 19, 2013 using the ECF System, which will send notification to all parties of record.

Ari Biernoff
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